

(j) *Commencement of new service.* Any authorized construction, extension, or acquisition of qualifying facilities must be completed and in actual operation by the applicant and any authorized operation, service, or sale must be actually undertaken and regularly performed by the applicant (within a period of time to be specified by the Commission in each order) from the issue date of the order issuing the certificate. The certificate holder may apply to the Director of the Office of Pipeline Regulation for an extension of this deadline.

(k) Applications filed under this section are subject to the landowner notification requirements described in § 157.6(d).

[Order 436, 50 FR 42488, Oct. 18, 1985, as amended at 61 FR 13421, Mar. 27, 1996; Order 603, 64 FR 26606, May 14, 1999; Order 603-A, 64 FR 54536, Oct. 7, 1999; Order 609, 64 FR 57391, Oct. 25, 1999]

§ 157.104 Hearings.

(a) *General.* The Commission will schedule each application for public hearing at the earliest possible date giving due consideration to statutory requirements and other matters pending, with notice thereof as provided by § 157.9 and § 385.2009 of this chapter.

(b) *Shortened procedure.* If no protest or petition to intervene raises a genuine issue of material fact, the Commission may upon request of the applicant dispose of an application in accordance with the provisions of § 385.802 of this chapter.

(c) *Presumption.* If an application complies fully with the requirements of § 157.102 and § 157.103, it is presumed, subject to rebuttal that:

(1) The applicant is qualified to perform all the activities for which certificate authorization is requested;

(2) The applicant is willing and able to perform acts and provide service, as proposed, and to comply with the Natural Gas Act and any applicable regulations thereunder; and

(3) The proposed new service is or will be required by the present or future public convenience and necessity.

§ 157.105 Issuance of certificate.

A certificate requested under this subpart will be issued if:

(a) The application for the certificate complies fully with §§ 157.102 and 157.103; and

(b) The presumptions established under § 157.104 are not rebutted.

§ 157.106 Protests to abandonment of new service.

(a) *Notice by certificate holder under § 157.103(f).* Any authority pre-granted to a certificate holder to abandon any new service or qualifying facilities authorized by a certificate issued under this subpart upon the expiration of any contract for such new service, is conditional and subject to protest by any customer to which the new service is provided.

(b) *Protest procedure.* (1) If a new service customer received notice of a proposed abandonment from a certificate holder in accordance with § 157.103(f), the customer may, within 30 days prior to such expiration date, file a petition under § 385.207 of this chapter to protest the abandonment and request the Commission to direct the certificate holder to continue the new service in accordance with the expired contractual agreement.

(2) The Commission may require the certificate holder to continue to provide the new service described in the abandonment notice under § 157.103(f) where the Commission determines that:

(i) Continuation of the new service is necessary because the customer is unable, after having made all reasonable efforts, to arrange for alternative service, and

(ii) The customer will pay the rate on file for the new service.

Subpart F—Interstate Pipeline Blanket Certificates and Authorization Under Section 7 of the Natural Gas Act for Certain Transactions and Abandonment

§ 157.201 Applicability.

(a) *Scope.* This subpart establishes a procedure whereby an interstate pipeline may obtain a blanket certificate authorizing certain construction and